

I think that it is unfortunate that higher-than-expected surpluses have paved the way for the enactment of massive tax cuts. The repeal of the estate tax, for example, which was recently passed by this body, if enacted into law, would cost \$105 billion over ten years, and then \$50 billion per year thereafter. No hearings were held on this proposal in the Senate. Little consideration was given to an alternative plan that would have been less costly and would have more expeditiously addressed the plight of farmers and small businesses by eliminating most from estate tax rolls. Little, if any, consideration was given to the negative effect that repealing the estate tax would have on charitable contributions, which are deductible from the gross value of an estate under current law. Yet, this body repealed the estate tax under the guise that it was necessary to protect small family farmers and businesses, when much less costly proposals might have done the job just as well.

Let us disabuse ourselves of the idea that all tax cuts are good policy because they are politically popular. They are not. It is easy to vote for tax cuts. It does not require courage. And, in the end, the American people will not thank us for acting in a fiscally irresponsible manner. As I have said on many occasions, while budget projections look rosy now, the future is fraught with peril as the baby-boomers exit the economy, and the Social Security and Medicare programs become unable, as presently structured, to pay full benefits to recipients. The Social Security and Medicare Board of Trustees projected last March that Social Security payroll taxes by themselves would not be enough to cover benefit payments by 2015, and that the Social Security trust fund would be insolvent by 2037. Likewise, the trustees projected that the Medicare Hospital Insurance trust fund would be insolvent by 2025.

While I support eliminating any marriage penalties that may exist in the tax code, my preference would be to delay enactment of these costly proposals until the long term solvency of Social Security and Medicare have been addressed. However, in order to meet the political deadline of the upcoming Party conventions, the Senate is acting on this legislation today, which is unfortunate.

I support marriage penalty relief, and I believe that both the Republican and Democratic proposals would provide substantial relief. However, I object to the fashion in which these proposals are being considered. As I said before, these proposals are extremely expensive. They should be debated in a way that would allow for many amendments and ample debate time. Unfortunately, they were brought up under reconciliation protections to avoid

such restrictions. While the intent of the legislation may be worthwhile, I object to legislation being pushed through in this manner. The fast-track reconciliation procedures that were enacted in the Congressional Budget Act of 1974 were never intended to be used as a method to enact massive tax cuts that could not be passed without a thorough debate and amendment process. I know, because I helped to write the Congressional Budget Act of 1974, and it was never my contemplation that the reconciliation process would be used in this way and for these purposes—never! I would not have supported it. I would have voted against it.

In fact, I would have left some loopholes in the process that would have saved us from this spectacle every year, where tax legislation with wide-ranging ramifications on domestic and defense spending priorities that should be debated at great length and amended many times is rushed through this Chamber in order to fulfill a political party's agenda. Reconciliation has become a bear trap that cuts off senators from debate and ensures that legislation will be voted upon regardless of whether there has been ample debate. Reconciliation typically allows for only twenty hours of debate, equally divided between the two leaders, which can be yielded back by the leaders under a nondebatability motion. This year, the reconciliation bill will be voted upon after only two hours and twenty-two minutes of debate. Less than two and one-half hours on a measure that would cost \$248 billion over ten years. We owe the American people the assurance that their representatives are enacting legislation that will substantively address the marriage penalty problem in the most cost-efficient method possible.

I spoke in April on marriage penalty relief and the majority party's insistence on pushing this particular legislation through the Senate. While I supported marriage penalty relief then, I still opposed cloture to end debate on the underlying bill to allow senators to offer amendments, debate those amendments, and then vote on those amendments. Incidentally, this legislation was withdrawn from the floor after the minority party insisted on these rights, which is why this marriage penalty relief bill is now being considered in this fashion, under reconciliation protection. I made remarks in April on the marriage penalty relief bill, and made reference to James Madison's ideas on popular government, and the irony of how pushing through marriage penalty relief based on the notion that it is politically popular represented Madison's most profound worries about the character of republican politics. A fear of impulsive and dangerous influence that runaway public opinion could exert over legisla-

tion lay at the core of his thinking in 1787 and 1788. Indeed, Madison searched for the proper mechanics for the safe expression of public opinion to prevent popular majorities from pursuing their purposes through means that wore away the bonds that might otherwise restrain them. I think it is also fair to say that Madison would have opposed legislating in this fashion, and the enactment of tax legislation under reconciliation instructions because it removes the bonds that ordinarily would prevent the majority party from pushing through legislation which happens to be the hot political issue of the moment. The Senate will learn one day the detrimental cost of legislating in this fashion.

Nonetheless, as I have said before, I will support both marriage penalty relief proposals in order to eliminate what can only be described as an unintended and unfair consequence of the income tax code. However, I do so with a certain degree of reluctance out of concern that my support would, in any way, be considered an endorsement of this style of legislating or that it would indicate my willingness to forsake fiscal responsibility relating to Social Security and Medicare in order to finance massive tax cuts.

Mr. ROTH. Mr. President, I ask unanimous consent that votes occur in relation to the following amendments in the following sequence, beginning immediately after the adoption of the Interior appropriations bill, with 2 minutes prior to each vote for explanation: Burns No. 3872, Hollings No. 3875, Lott No. 3881, final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I further ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with those conferees being ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Therefore, there will be no further votes, as already has been announced, this evening. Up to 11 votes will occur in a stacked sequence beginning at 9:45 a.m. on Tuesday.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now turn to the Interior appropriations bill and I be recognized to call up the managers' package of amendments which is at the desk, the amendments be reported and agreed to, the motions to reconsider be laid upon the table, and the Senate then turn to H.R. 4516, the legislative appropriations bill, for Senator BOXER to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.